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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,829	07/25/2001	Tsuyoshi Tamura	110196	6319

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EXAMINER	
NGUYEN, KEVIN M	
ART UNIT	**PAPER NUMBER**
2674	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/911,829	Applicant(s) TAMURA, TSUYOSHI	
	Examiner Kevin M. Nguyen	Art Unit 2674	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

1. 11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). See Continuation Shee
13. ☐ Other: _____.

XIAO WU
PRIMARY EXAMINER

Kevin M. Nguyen
Patent Examiner
Art Unit: 2674

Continuation of 5. Applicant's reply has overcome the following rejection(s): see page 1, last paragraph through page 3, 3rd paragraph, the rejection-35 U.S.C. 101 double patenting is withdrawn.

Continuation of 11.
1. Applicant's arguments filed 02/28/2005 have been fully considered but they are not persuasive.
2. In response to applicant's arguments, the recitation "an MPU that is external to a RAM-incorporate driver," page 3, lines 3-4, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
3. In response to applicant's argument states that, page 3, lines 13-15, "the switches SW31, SW32 thus do not receive an input from an external MPU because the data processing circuit 33 and the control circuit 32 form a part of the driving apparatus". This argument is not persuasive because Kida shows in Fig. 7 that the switches SW31b, SW32a expressly receive the data input signal from the data processing circuit 33, when the control circuit 32 controls the switches SW31b and SW32a are active (see fig. 7).
4. In response to applicant's argument states that, see page 3, lines 16-19. This argument is not persuasive because the teaching of Kida's reference in view of the teaching of Shimamoto's reference provide and establish the "substantial evidence" to produce and result the claimed limitations of claim 1.
5. In response to applicant's arguments, the recitation "Kida and Shimamoto fail to disclose a RAM-incorporated driver with a second port that is independent from a first port, as recited in claims 27 and 28," page 3, lines 20-21, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "an MPU that is external to a RAM-incorporate driver", "a RAM-incorporated driver with a second port that is independent from a first port") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
7. In response to applicant's arguments, the recitation "as shown in Fig. 7 of Kida, the switches SW31, SW32 are serially connected and thus clearly not independent, as recited in claims 27 and 28," page 3, lines 21-22. This argument is not persuasive because Kida expressly shows in Fig. 7, the switches SW31, SW32 are serially connected and thus control independently by the control circuit 32 (see fig. 7).
8. In response to applicant's argument, page 3, line 23 to page 4, line 2, that claims 1, 27, 28 recites "a RAM which stores the still image data that was input through the first port and the moving image data that was created by the reception circuit." This argument is not persuasive because Kida teaches the field memory 34A and the field memory 34B (fig. 7) store both moving image and still image through the switches SW31 and SW32 (fig. 7). Shimamoto teaches the reception circuit 103 (fig. 10). Therefore, the teaching of Kida's reference in view of the teaching of Shimamoto's reference provide and establish the "substantial evidence" to produce and result the claimed limitation above.
9. In response to applicant's argument, page 4, lines 3-7, that claims 1, 27, 28, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "single RAM stores still-image data and moving-image data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For these reasons, the rejections based on Kida and Shimamoto have been maintained

Continuation of 12. The information disclosure statement filed 01/13/2005 which has been considered as to the merits.
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiroyuki et al discloses a memory-incorporated driver (307) storing a still-frame picture data and a moving-frame picture data that are sent by the selector (the ports) that are from an external CPU 304 (external MPU) (see abstract).